

From: Thom Cleland
To: Microsoft ATR
Date: 1/24/02 11:13am
Subject: Microsoft Settlement

Greetings,

I am distressed by the weakness of DOJ's "proposed final judgment" with Microsoft (US vs. Microsoft). Microsoft's offenses have been firmly and clearly established in findings of fact as well as by numerous third parties not financially influenced by the settlement terms. This settlement, despite its rhetoric, is fundamentally a full concession to Microsoft that does a disservice both to the American justice system and to consumers. Despite Microsoft's claims to the contrary, the public is never served well by monopoly. If Microsoft's products are as good as they claim, then they should not need privileged access to the operating system based on secret APIs in order to win customers. Certainly Microsoft should be disallowed from using coercive tactics against original equipment manufacturers to bundle Microsoft products with their own -- yet Sections III.A-B. clearly permit this practice: one of the primary and most egregious offenses that initiated this lawsuit in the first place.

Microsoft has squelched far more innovation in computer hardware and software than it has enabled. This lawsuit has the potential to structure the playing field so that Microsoft can compete fairly on its merits, without the temptation or ability to "cheat" based on its financial and political power. The present PFJ ensures that this will not occur, and should be rejected in favor of a strong, clearly enforceable statement restricting Microsoft's behavior, punishing their scorn for the Justice Department's inquiry, and creating a strong, stable playing field that will foster innovation from a diversity of companies and individuals, including Microsoft.

Sincerely,

Dr. Thomas A. Cleland